

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 11 Civ. 9186 (PAE)
LEBANESE CANADIAN BANK SAL, et al.,)
)
Defendants.)

ANSWER OF CLAIMANT CYBAMAR SWISS GMBH TO AMENDED COMPLAINT

COMES NOW Cybamar Swiss, GMBH (hereinafter “Claimant,” and not to be confused with Cybamar Swiss, GMBH, LLC) and for its Answer to the Amended Complaint in this matter states as follows:

I. NATURE OF ACTION

1. Claimant has insufficient knowledge to admit or deny the allegations of Paragraphs 1-11 of the Amended Complaint, therefore, those Paragraphs are denied.

II. JURISDICTION AND VENUE

2. Claimant admits Paragraphs 12 and 13 of the Amended Complaint.

III. STATUTORY AUTHORITIES

3. Claimant has insufficient knowledge to admit or deny the allegations of Paragraphs 14-31 of the Amended Complaint. Claimant also further avers that any statutes, regulations, or executive orders speak for themselves. Therefore, Paragraphs 14-31 of the Amended Complaint are denied.

IV. PROBABLE CAUSE FOR FORFEITURE

4. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 32 of the Amended Complaint, therefore, that Paragraph is denied.

5. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 33 of the Amended Complaint, therefore, that Paragraph is denied.
6. Paragraph 34 is denied.
7. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 35 of the Amended Complaint, therefore, that Paragraph is denied.
8. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 36 of the Amended Complaint, therefore, that Paragraph is denied.
9. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 37 of the Amended Complaint, therefore, that Paragraph is denied.
10. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 38 of the Amended Complaint, therefore, that Paragraph is denied.
11. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 39 of the Amended Complaint, therefore, that Paragraph is denied.
12. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 40 of the Amended Complaint, therefore, that Paragraph is denied.
13. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 41 of the Amended Complaint, therefore, that Paragraph is denied.
14. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 42 of the Amended Complaint, therefore, that Paragraph is denied.
15. Claimant has insufficient knowledge to admit or deny the allegations of Paragraphs 43(a) and 43(b) of the Amended Complaint, therefore, those Paragraphs are denied. Paragraphs 43(c) and 43(d) are denied. Claimant has insufficient knowledge to admit

or deny the allegations of Paragraph 43(e) of the Amended Complaint, therefore, that Paragraph is denied.

16. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 44 of the Amended Complaint, therefore, that Paragraph is denied.
17. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 45 of the Amended Complaint, therefore, that Paragraph is denied.
18. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 46 of the Amended Complaint, therefore, that Paragraph is denied.
19. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 47 of the Amended Complaint, therefore, that Paragraph is denied.
20. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 48 of the Amended Complaint, therefore, that Paragraph is denied.
21. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 49 of the Amended Complaint, therefore, that Paragraph is denied.
22. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 50 of the Amended Complaint, therefore, that Paragraph is denied.
23. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 51 of the Amended Complaint, therefore, that Paragraph is denied.
24. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 52 of the Amended Complaint, therefore, that Paragraph is denied.
25. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 53 of the Amended Complaint, therefore, that Paragraph is denied.

26. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 54 of the Amended Complaint, therefore, that Paragraph is denied.
27. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 55 of the Amended Complaint, therefore, that Paragraph is denied.
28. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 56 of the Amended Complaint, therefore, that Paragraph is denied.
29. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 57 of the Amended Complaint, therefore, that Paragraph is denied.
30. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 58 of the Amended Complaint, therefore, that Paragraph is denied.
31. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 59 of the Amended Complaint, therefore, that Paragraph is denied.
32. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 60 of the Amended Complaint, therefore, that Paragraph is denied.
33. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 61 of the Amended Complaint, therefore, that Paragraph is denied.
34. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 62 of the Amended Complaint, therefore, that Paragraph is denied.
35. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 63 of the Amended Complaint, therefore, that Paragraph is denied.
36. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 64 of the Amended Complaint, therefore, that Paragraph is denied.
37. Paragraph 65 of the Amended Complaint is denied.

38. Paragraph 66 of the Amended Complaint is denied.
39. Paragraph 67 of the Amended Complaint is denied.
40. Paragraph 68 of the Amended Complaint is denied.
41. Paragraph 69 of the Amended Complaint is denied.
42. Paragraph 70 of the Amended Complaint is denied.
43. Paragraph 71 of the Amended Complaint is denied.
44. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 72 of the Amended Complaint, therefore, that Paragraph is denied.
45. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 73 of the Amended Complaint, therefore, that Paragraph is denied.
46. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 74 of the Amended Complaint, therefore, that Paragraph is denied.
47. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 75 of the Amended Complaint, therefore, that Paragraph is denied.
48. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 76 of the Amended Complaint, therefore, that Paragraph is denied.
49. Paragraph 77 of the Amended Complaint is denied.
50. Paragraph 78 of the Amended Complaint is denied.
51. Paragraph 79 of the Amended Complaint is denied.
52. Paragraph 80 of the Amended Complaint is denied.
53. Paragraph 81 of the Amended Complaint is denied.
54. Paragraph 82 of the Amended Complaint is denied.

55. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 83 of the Amended Complaint, therefore, that Paragraph is denied.
56. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 84 of the Amended Complaint, therefore, that Paragraph is denied.
57. Claimant has insufficient knowledge to admit or deny the allegations of Paragraph 85 of the Amended Complaint, therefore, that Paragraph is denied.
58. Paragraph 86(b) of the Amended Complaint is denied. Claimant has insufficient knowledge to admit or deny the remainder of the allegations of Paragraph 86 of the Amended Complaint, therefore, that Paragraph is denied.
59. Paragraph 87 of the Amended Complaint is denied.

V. CLAIMS FOR FORFEITURE

60. In response to Paragraph 88, Claimant incorporates its responses to Paragraphs 1-87 above.
61. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraphs 89-91 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.
62. Paragraph 92 of the Amended Complaint is denied.
63. In response to Paragraph 93, Claimant incorporates its responses to Paragraphs 1-92 above.

64. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraphs 94-98 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.
65. Paragraph 99 of the Amended Complaint is denied.
66. In response to Paragraph 100, Claimant incorporates its responses to Paragraphs 1-99 above.
67. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraphs 101-103 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.
68. Paragraph 104 of the Amended Complaint is denied.
69. In response to Paragraph 105, Claimant incorporates its responses to paragraphs 1-104 above.
70. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraphs 105-108 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and

therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.

71. Paragraph 109 of the Amended Complaint is denied.
72. In response to Paragraph 110, Claimant incorporates its responses to Paragraphs 1-109 above.
21. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraphs 111-116 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.
22. Paragraph 117 of the Amended Complaint is denied.

VI. CIVIL MONEY LAUNDERING PENALTIES

16. In response to Paragraph 118, Claimant incorporates its responses to Paragraphs 1-117 above.
17. Claimant lacks sufficient knowledge to admit or deny the allegations in Paragraph 119 of the Amended Complaint. In addition, Claimant states that any statutes, regulations, and executive orders speak for themselves. Claimant also denies any involvement with the terrorist activities set forth in the Amended Complaint and therefore denies that its accounts constitute or are derived from proceeds traceable to violations of executive orders or regulations.
18. Paragraph 120 of the Amended Complaint is denied.

FIRST AFFIRMATIVE DEFENSE

Cybamar Swiss, GMBH, is a separate entity from Cybamar Swiss, GMBH, LLC.

Cybamar Swiss, GMBH has no connections to terrorism and its accounts should not have been seized.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to set forth any basis for a claim against the property of Cybamar Swiss, GMBH. Therefore, Cybamar Swiss is entitled to a release of its properties and for recovery of its attorneys fees pursuant to any applicable statutes, including the Equal Access to Justice Act.

Respectfully submitted,
CYBAMAR SWISS, GMBH
By counsel

By: /s/
James T. Bacon
Pro Hac Vice
Allred, Bacon, Halfhill, & Young, P.C.
11350 Random Hills Road
Suite 700
Fairfax, VA 22030
703-352-1300
703-352-1301 (Fax)
jbacon@abhylaw.com
Counsel for Cybamar Swiss GMBH

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2012, a true copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system, which then sends a notification to all counsel and parties of record.

/s/
James T. Bacon